

Message Text

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ACTION EB-07

INFO OCT-01 EA-07 ISO-00 L-03 CU-02 LOC-01 COME-00 /021 W

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R 240724Z NOV 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3204

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E.O. 11652: NA

TAGS: EIND, RP

SUBJECT: COPYRIGHT LAW

REF: STATE 279754

1. THE CURRENT RELEVANT COPYRIGHT LAW IS PRESIDENTIAL DECREE 285, DATED SEPTEMBER 3, 1973, AS AMENDED BY P.D. 400 DATED MARCH 1, 1974. EA/PHL SHOULD HAVE VOLUMINOUS FILE ON PD 285 AS AMENDED BY PD 400 AS A RESULT OF KEEN INTEREST IN THESE DECREES SHOWN BY THE ASSOCIATION OF AMERICAN PUBLISHERS (AAP) REVISED RULES TO IMPLEMENT PD 285 AS AMENDED BY PD 400 WERE ISSUED MARCH 29, 1976. COPIES OF BOTH DECREES AND THE REVISED RULES ARE BEING AIRPOUCHED TO EB/IFD/BP-WINTERS AS REQUESTED.

2. THE AAP CONTINUES TO BE CONCERNED ABOUT THE DETAILS OF HOW PD285/400 IS BEING IMPLEMENTED. ITS MEMBERS HAVE ACCEPTED THE FACT THAT THE PHILIPPINES WILL REPRINT LOCALLY U.S. COPYRIGHTED BOOKS IF THE FOREIGN EDITIONS SELL LOCALLY FOR MORE THAN 20 PESOS, REGARDLESS OF WHAT THE U.S. PUBLISHERS PREFER.

3. LEO ALBERT, CHAIRMAN, COPYRIGHT DIVISION, AAP WAS IN MANILA NOVEMBER 15 AND MET WITH GERARDO P. SICAT, DIRECTOR GENERAL OF NEDA AND CHAIRMAN OF THE PHILIPPINE REPRINTING COMMITTEE, TO DISCUSS CONTINUING AAP PROBLEMS WITH THE WAY PD 285/400 IS BEING IMPLEMENTED. HE WAS ACCOMPANIED BY EMBASSY OFFICER AND A LOCAL ATTORNEY

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RETAINED BY THE AAP.

4. THE MAJOR POINTS OF CONCERN TO THE AAP ARE: PUBLISHERS ARE NOT NOTIFIED WHEN REPRINT RIGHTS ARE GRANTED; SALES ARE NOT REPORTED ACCURATELY AND THEREFORE, ROYALTIES ARE LOST, REPRINTS GREATER THAN THE AUTHORIZED NUMBER, LONG LEAD TIME TO PROCESS ROYALTY PAYMENTS THROUGH THE CENTRAL BANK, CONTINUED PRINTER'S OF "BEST SELLERS", AND INCREASED EVIDENCE OF EXPORTS.

5. ALBERT PRESENTED SICAT WITH A LENGTHY POSITION PAPER DETAILING ACTIONS RECOMMENDED BY THE AAP TO ALLEVIATE THESE ABUSES. DIRECTOR SICAT WAS SOMEWHAT RESPONSIVE IN THAT HE INCREASED THE TIME THE PUBLISHERS HAD TO PROTEST A REPRINT AUTHORITY, SAID THE REPRINT COMMITTEE WOULD REPORT DIRECTLY TO THE PUBLISHERS WHEN A REPRINT WAS AUTHORIZED, AND ALLOWED AS HOW THE AAP LAWYER WAS WELCOME TO BRING TO THE COMMITTEE'S ATTENTION ANY INFRACTION OF THE IMPLEMENTING RULES COMMITTED BY THE REPRINTERS. HE DEFINED ALL BOOKS, EVEN SEXY BEST SELLERS, AS "EDUCATIONAL AND CULTURAL," AND HELD THAT 20 PAGES WAS STILL AN APPROPRIATE CUT-OFF PRICE, IN SPITE OF INFLATION SINCE 1974.

6. COMMENT: PD285/400 IS OBVIOUSLY NOT A BURNING ISSUE WITH SICAT. HE LISTENED ATTENTIVELY TO THE AAP'S PROBLEMS AND MADE A SEVERAL MINOR CONCESSIONS. IT WAS OBVIOUS HE STILL DOES NOT WANT TO BECOME A POLICEMAN FOR THIS DECREE ON BEHALF OF THE U.S. PUBLISHERS. HE DID SUGGEST THEY THEMSELVES TAKE LOCAL REPRINTERS TO COURT IF THEY HAVE PROOF OF INFRACTIONS. THIS IS THE COURSE ALBERT SAID THE AAP WOULD TAKE. ALBERT APPARENTLY STILL ENJOYS GOOD RELATIONS WITH THE PALACE, BUT SAID THE AAP'S LONG TERM INTERESTS WOULD NOT BE SERVED BY BRINGING FURTHER PRESSURE TO BEAR ON SICAT. END COMMENT.
SULLIVAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, COPYRIGHT LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 24 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANILA18375
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760437-0530
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761119/aaaaaphr.tel
Line Count: 97
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 279754
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 02 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 JUN 2004 by buchant0>; APPROVED <29 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COPYRIGHT LAW
TAGS: EIND, RP, AAP, ASSOC OF AMER PUBL
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006